

CLAIM STATUS

Previously presented claims 6-11 are pending in the instant application. Pursuant to the Office Action of August 23, 2006, claims 6-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Christianson (U.S. Patent No. 5,032,015). The Examiner has also objected to claim 6 because it contains a subjective term. Applicant has amended claim 6 to overcome the Examiner's objection and respectfully traverses the Examiner's rejection of claims 6-11.

REMARKS

Claim Objection

Applicant has amended claim 6 to overcome the Examiner's objection based on the use of the subjective term "sufficient".

Claim Rejections Under 35 USC §102(b)

Claims 6-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Christianson (U.S. Patent No. 5,032,015).

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained...in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

An element-by-element comparison of Applicant's claims with Christianson shows that each and every element as set forth in Applicant's claims is **not present** in Christianson, and of those elements that are present, they are not arranged in Christianson as dictated by Applicant's claims. Each of these circumstances renders the Examiner's rejection improper.

Generally, the device of Christianson is an adjustable condensation-free shower mirror. The mirror is essentially an assembly, which is connected to the water supply in the shower. To practice the invention, the showerhead is removed in a shower and a supply tube is placed on the pipe before the showerhead is reattached. This tube is then connected to a disperser, which is built into the mirror assembly, the disperser in turn causing the water from the showerhead pipe to spray/drip onto the back of the mirror. This thereby keeps the mirror at a higher temperature, i.e. the temperature of the hot water in the shower, and prevents fogging of the mirror.

By contrast, Applicant's claims are directed to a much less complicated mirror, which is also designed for use in a shower, but can be used at any location in a bathroom or other steamy environment. Applicant's claims contemplate a mirror with a plurality of collecting and dispensing means that provide a large surface area for collecting the hot water from a shower, tub, sink or other water-supplying device and then bringing said hot water in contact with the mirror to facilitate a rise in temperature of the mirror so as to reduce the fog present on the mirror due to condensation.

Although both Christianson and Applicant's claims are directed towards reducing the condensation on a mirror, the Examiner's characterization of Christianson suggests a much higher degree of similarity between Christianson and Applicant's claims than actually exists. Specifically, the Examiner first argues that "Christianson discloses a portable mirror (see Figs. 1-3) for use in a bathroom, shower or other steamy environment (column 1 lines 17-22)". (Office Action dated Aug. 23, 2006, page 2, no. 3) Applicant respectfully submits that it is incorrect to characterize the mirror of Christianson as analogous to the "portable mirror" of Applicant's claims. The mirror disclosed by Christianson is not of a portable type, it in fact must be connected to a showerhead pipe by a tube, which must be screwed onto the showerhead pipe after removal of the showerhead in order to function. Although it is of course portable in the sense that once placed on the showerhead it can be removed and reused, Applicant's claims are directed to a mirror that is constantly portable and with no need of attachment to a water supply. The mirror of Christianson is part of a more complicated device with several components, all of which, especially the need to be attached to a showerhead pipe, make it so that such a mirror is not portable in the sense contemplated by Applicant's claims. Therefore, Applicant respectfully submits that the mirror of Christianson is not analogous to the mirror of Applicant's claims and thus the rejection is improper.

The Examiner also argues that Christianson discloses "a plurality of collecting and dispensing means (30) disposed on at least the rear surface (columns 6, lines 60-63) for rapid and simultaneous collection of heated water from the environment into each of the means". (Office Action dated Aug. 23, 2006, page 2, no. 3) In Christianson, (30) refers to "apertures". An aperture is merely a hole, and in Christianson they appear along the diffuser bar (26), which is connected to a T-junction (25) and eventually an inlet tube (24) which allows hot water from the showerhead pipe to flow through this progression to the back of the mirror. An aperture, or "hole", does not satisfy the requirements of Applicant's claims for a "collecting and dispensing

means...for rapid and simultaneous collection of heated water from the environment into each of the means and for subsequently dispensing the thus collected heated water from the means over at least the rear surface”. (Claim 6, as currently amended).

The mirror assembly of Christianson as a whole is different from Applicant’s claims. In all embodiments of the mirror assembly of Christianson, the heated water from the showerhead pipe is essentially fed into a single, continuous tube, which contains drain holes. The water fed to the mirror from this tube immediately drains from the apertures. There is no “collection” of the water prior to its dispensation, which contrasts with Applicant’s claims, as Applicant’s claims require that the hot water is first collected, in for example, open topped containers, an absorbent material, or a multiple of cavities over the rear surface of the mirror. Thus, Applicant respectfully submits that neither the mirror, nor the apertures of the mirror of Christianson can be considered analogous to the mirror and collecting and dispensing means of Applicant’s claims. Although Applicant believes that this difference is already clear when comparing Applicant’s claims to Christianson, Applicant has made minor changes claim 6, which Applicant believes further distinguishes claim 6 and dependent claims 7-11 over the prior art. The portable mirror is now defined to be “detached” to reflect the lack of a connection to a water supply as required by Christianson. Also, the collecting and dispensing means are now defined as retaining and subsequently dispensing the water to better define the initial retention aspects of these means.

The above arguments are directed to independent claim 6, but are also applicable to dependent claims 7-11, as Christianson does not disclose the components of claim 6, nor the additional components of: an open-topped reservoir (claim 7), an absorbent material (claim 8), having a cellular structure (claim 9), having a rear surface with a cavity (claim 10), or bores (claim 11).

CONCLUSION

If the Examiner believes a telephone conference with Applicant's Attorney would expedite or conclude prosecution of this application, the Examiner is cordially invited to contact Applicant's Attorney by telephone at the below-listed number.

In summary, applicant respectfully submits that the objection to claim 6 and the rejection of claims 6 through 11 are overcome and that claims 6-11 are allowable and therefore requests such allowance.

Respectfully submitted,



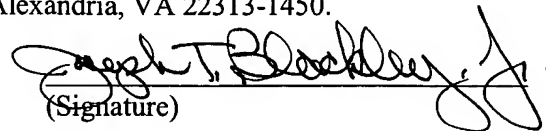
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CERTIFICATE OF EXPRESS MAIL

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